

MILFORD PLANNING BOARD PUBLIC HEARING
August 19, 2014 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:

Janet Langdell, Chairperson
Paul Amato
Kathy Bauer
Chris Beer
Steve Duncanson
Susan Robinson, Alternate member

Staff:

Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
David Bosquet, Videographer

PUBLIC HEARING:

1. In accordance with NH RSA 675:6, the Milford Planning Board will hold a public hearing on the following:
Proposed 2014 update and recommendations to the BROX Property Community Land Master Plan
Proposed revisions and amendments to the Milford Gravel and Earth Removal Regulations

MINUTES:

2. Approval of minutes from the 7/15/14 meeting.

NEW BUSINESS:

3. **Cynthia & Robert Nute – 9 Powers St – Map 30, Lot 38-1;** Public Hearing to request a waiver from Development Regulations Section 6.05.3.B, *Parking Space Dimensions*, to allow an eighteen (18') ft driveway aisle width.
(*New application*)
4. **34 Hammond Road LLC/JP Pest Services – Hammond Rd – Map 43, Lot 70:** Public Hearing for a major site plan to replace an existing garage and construct a new 2,520SF garage with additional parking and associated site improvements.
(*New application – Sandford Surveying & Engineering*)
5. **San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4;** Public Hearing for the design review of a proposed residential subdivision.
(*New application-Fieldstone Land Services*)

OLD BUSINESS:

6. **Badger Hill Properties LLC – Timber Ridge Dr – Map 50, Lots 26-124, 26-126, 26-128, 26-129, 26-131, 26-133, 26-160, 26-162, 26-164, 26-166, 26-167, 26-168, 26-169, 26-171, 26-173, 26-175, 26-177, 26-179, 26-180, 26-181, 26-182, and 26-183; Map 51, Lots 26-47, 26-123, 26-125, 26-126, 26-127, 26-152, 26-170, 26-172, 26-174, 26-176, 26-178, and 26-184; Map 55, Lots 26-130, 26-132, 26-134 thru 26-151, 26-153 thru 26-159, 26-161, 26-163 and 26-165.**

Continuation of application for multiple lot line adjustments for Badger Hill-Phase VI involving sixty (60) residential lots and three (3) open space lots; and to approve Phase VI-A for eight (8) buildable lots in the Residence R District including a waiver request from Milford Development Regulations, Section 7.02 Roadway Standards Charts.

(*Continued from 7/15/14*)

Chairperson Langdell called the meeting to order at 6:30PM. She introduced the Board and staff, then explained the ground rules for the public hearing, and read the agenda into the record. S. Robinson, alternate member was called to sit.

PUBLIC HEARING:

In accordance with NH RSA 675:6, the Milford Planning Board will hold a public hearing on the following:

1) Proposed 2014 update and recommendations to the BROX Property Community Land Master Plan

J. Langdell read the notice into the record and stated that the Brox property and the Master Plan has been on the Planning Board's work plan for a number of cycles and we were very fortunate to get a committee of interested citizens and department heads that wanted to move forward with this. We felt this planning tool was important because simultaneously, the Milford Community Athletic Association (MCAA) had been doing their work to analyze field needs within the town and this goes hand in hand. Also, this will help to get the work on a chapter for the Master Plan, *Recreation/Facilities* going again. The committee meetings were public meetings, this master plan document was also discussed at a Planning Board meeting in July. J. Langdell also thanked the committee members: Tom Sloan, Planning Board; Audrey Fraizer, Conservation Commission; Tim Finan, Recreation Commission; Dustin Ayotte, Justin Wisbey, MCAA Fields Committee; Rick Riendeau, DPW; and Gerry Guthrie, Citizen at Large. We also received input from the Milford School Board, the Recreation Department and from the Cemetery Trustees. This has been a great effort by a number of stakeholder groups and also a number of other people, such as the Brox Environmental Citizens who have given input to this plan as well. P. Amato clarified that this report pertained to the residential portion of the Brox Property, the Community Lands piece.

B. Parker noted that the Community Development Office provided staff support for this project and said the plan is similar to the original 2005 plan that was based on community needs. He reviewed the changes and said the proposed extension to Heron Pond Rd which would someday provide secondary access to the Brox property from Perry Rd was shifted southerly to provide more buffer for the significant Heron Pond wetland complex and to keep more open space north of the extension. The uses and needs on this plan are fairly similar to those listed on the 2005 plan.

Chairperson opened the meeting for public comment.

Suzanne Fournier, Coordinator for Brox Environmental Citizens, gave a presentation and explained that we are a grass roots group working to help bring good conservation to the Brox property for future generations. This was promised to the people in 2000, *preservation of environmentally sensitive lands for open space and conservation* in the write up for the warrant article. While others voted for industrial and community land uses, many voted to buy the land for conservation. There is a problem of bias within the Brox Committee; it was run well, but because the committee did not include representation of the needs and wishes of cyclists, teachers, and abutters like Beaver Brook Association, the plan is swayed in favor of the activities of some and not others. J. Langdell interjected and pointed out that there was a thirty day public comment period that was well publicized to this entire community. J. Levandowski said staff only received one comment during that period, from Mark Fougere. J. Langdell added that if all the people you are saying were left out of this process had a need to be part of the process, they had a period with which to make comment. S. Fournier acknowledged that and further stated that the Brox Environmental Citizens have been studying the natural resources of the Brox property but were not part of the committee either and we did supply comment, but Jodie didn't mention that. J. Langdell said you were at many of the meetings and supplied comment at those meetings. This has been open public process. S. Fournier retorted that to be on the committee is a little different than giving comment as a member of the general public.

S. Fournier brought several posters and gave a presentation. She said it is premature to carve up the land when the natural resources inventory, including wildlife, is not yet in. The results will show an amazing wetland complex with vernal pools. This habitat sustains the Blanding's turtle, an umbrella species as well as a State endangered species that needs special protection to survive in New Hampshire. The people of Milford have had the benefit of twenty years of no development. The forest gives us clean air. The waters and groundwater are clean. There is opportunity right now for lots of recreation, just not for the organized sports. Much of these

benefits are at risk if an earth removal operation is allowed to wipe out the forests, hills and pretty much level everything. We can learn by example from the 124 acre sand and gravel pit in Henniker. J. Langdell inquired if it was an active operation that had not been reclaimed yet. S. Fournier replied yes and then compared it to Milford's 22 acre existing gravel pit, and the proposed additional 65 acres. She also mentioned the 50 acre open wound on Elm St. I hope the people in town will not want to risk losing the scenic beauty already at the Brox property. I am asking the Planning Board to please wait for the natural resources inventory and to not include, hastily, an earth removal operation.

Bob Hall, owner of Souhegan Cycleworks, said he wanted to show support for recreational use of the property. Since 2002, he has seen more recreational uses, especially north of the black line on the plan, which has seemed to curb some of the earlier motorized activities. He asked that recreation uses of the land, outside of the MCAA areas, be considered to include passive recreation such as cycling, hiking, training and nature walks. It would be nice to see a cross-country meet held there at some point and it would also be nice to see the trails expanded into where the recreation areas are. He referenced Mines Falls in Nashua and said the trails are used while the soccer and baseball games are going on. It's a pretty cool thing to see in person and we have the potential to create something like that here in Milford where people can use the land for both organized sports and individual/group activities. That whole area including Tucker Brook has become very popular with cyclists who are impressed with what the town has created. We do like to bring groups, sponsored by the shop, to those areas to guide them and show off the beauty of Tucker Brook and the Heron Pond area as it expands and develops. After we're done riding, we try to go out and promote local establishments as do other groups that come on the weekends, so I encourage you to think about the recreational trail possibilities, even on the other side of the property and expanding it for events and activities in the future.

Edward Dunn, Whitten Rd resident, commented that we see the gravel pit right now; it's really turning into a dump. The more noise we make, the more we push wildlife into a smaller and smaller area and we haven't seen a reclamation plan yet. From experience, it will take twenty to forty years for the trees come back to where they are now and he will not be alive to see that. We're taking away from our kids.

Mary Jane Burns, Brookview Dr resident, said I'm all for planning but I think you have to be sure to get your natural resource plan in action before making any final decisions as to what you want to do with this property. Right now it's quite a place, aside from recreation; there's a lot of wildlife that should not be destroyed or compressed.

J. Langdell explained that this report was originally done in 2005 as a future projection of what the town might need to use this land for and because that report is nearly ten years old, we thought this was a good time to revisit that question and ask what the town might need going out to the year 2035. It is a way to do some long range planning. This plan, as it stands, is not the end of the process. It does not define and it is not prescriptive of what is going to happen on the Brox Community Lands area. It is an inventory of what various groups and departments felt we would need going forward. This 2014 inventory is for good town facilities and services planning. It is also possible that the Conservation Commission might have some further recommendations or suggestions once the Natural Resources Inventory comes forward. We want to keep the momentum and conversation going on what these lands could potentially be used for. P. Amato added that we only have power to put together the plan. Before any money is spent or anything done, it would have to go to the voters by town warrant or as a part of the Selectmen's budget and there would have to be detailed specifications.

S. Fournier added that an RFP to begin the engineering process for earth removal on the Brox property has already been posted with Selectmen approval. It is something real and tangible. It is proceeding forward and it mentions this report, so there is a direct connection. J. Langdell explained that with or without this document in 2005 or in 2014, the Board of Selectmen have every right to put forward a possible plan and ask for an RFP; this is Town owned property.

B. Parker read Section IV.B *Conservation and Open Space Planning recommendations* from the Brox Property Community Land Master Plan report. He also said that Mr. Hall brought up some good points about trails and future connections and that the committee did take into account many of those concerns brought up tonight. If these recommendations are followed in the future, the concerns will be addressed as planning goes forward. J.

Langdell agreed that Mr. Hall brought up several good points and added that there is an overlap between recreation and conservation. This is not an all or nothing, we're looking for a balanced approach and this is a "slice in time" report.

Suzanne Schedin, Ox Brook Woods Rd resident, said she is a teacher at Heron Pond Elementary School and has taken numerous students on hikes through the trails. One of the third graders' favorite days is Autumn Adventure Day where we do a big hike all the way around the trail and find all kinds of signs of animals and many tracks. We also take trips to study rocks, minerals and erosion control out on those trails. The enrichment groups go out on hiking trips to learn about nature. It is a gem to have so close to the school and I hope we don't ruin it.

Chairperson Langdell closed the public portion of the meeting.

K. Bauer noted that it is good to bring up the students' educational piece because we're including people who will be interested in preserving these lands as they get older and as they have children of their own.

J. Langdell stated that the report contained some specific items for 2015, such as more field space. The word should was used and hopefully any future planning would also include the consideration of other properties.

S. Duncanson made a motion to approve the Brox Community Lands Master Plan committee report. C. Beer seconded and all in favor.

2) Proposed revisions and amendments to the Milford Gravel and Earth Removal Regulations

J. Langdell read the notice into the record and stated that last year we worked on updating and adopted the regulations in October, 2013. At a public hearing relative to other proposed zoning changes, Gary Daniels brought forward some minor changes; a revision to the definition of earth to add a reference to dimension stone and the RSA and a correction to reclamation. All changes are on page 3 of the Regulations.

Chairperson Langdell opened the meeting to the public; there being none, the public portion of the meeting was closed.

C. Beer made a motion to approve the Milford Gravel and Earth Removal Regulations, as amended. S. Duncanson seconded and all in favor.

MINUTES:

C. Beer made a motion to approve the minutes from the 7/15/14 meeting, as amended. S. Duncanson seconded and all in favor.

NEW BUSINESS:

Cynthia & Robert Nute – 9 Powers St – Map 30, Lot 38-1; Public Hearing to request a waiver from Development Regulations Section 6.05.3.B, *Parking Space Dimensions*, to allow an eighteen (18') ft driveway aisle width.

No abutters were present.

Chairperson Langdell recognized:

Robert Nute, owner

Peter Nute

J. Langdell read the notice into the record and stated that the application was complete. S. Duncanson made a motion to accept the application. C. Beer seconded and all in favor. C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters into the record.

B. Nute presented revised plans dated 8/18/14 and explained that the waiver request is to keep the drive aisle width at eighteen (18') ft. We looked into expanding the width to the required twenty-four (24') ft but felt it

crowded the area at the building access. The parking spaces are only on one side and there will be minimal traffic.

J. Langdell stated that staff has not had a chance to review the revised plans, so we have no comment as to whether they meet all other criteria as discussed at the last meeting. Note #2 should be revised to state that you are asking for a waiver request and if granted the date be added to the note. Also, the language on the waiver request form is confusing with one lane of travel and one-way at a time. Note #8, the parking calculations could also be revised to include the usage; a twelve seat café and revise the calculations to clarify four (4) spaces for patrons, one (1) handicapped space and one (1) employee space. Will the tree have to be removed? R. Nute stated that the tree should stay. J. Langdell said that tree is balancing out the landscaping requirements of an existing site and if it were to be removed, we would want to see additional compensations for the landscaping requirements. She inquired if the handicapped space would have curbing. R. Nute replied no, it is a gravel area and there will be signage. Also, the plan shows the fence coming around the corner at space #1, but our intent is to not make it a fixed part of the post and rail but to put a removable object so that we're not pushing snow on the neighbor's property.

S. Robinson agreed with the Chair about the wording on the waiver request. One lane of travel wouldn't be accurate and could it be removed. J. Langdell suggested that the applicant work with staff to revise the language on Note #2.

Chairperson Langdell opened the meeting to the public; there being none, the public portion of the meeting was closed.

P. Amato made a motion to grant this waiver request from Development Regulations Section 6.05.3:B, to allow an eighteen (18') ft driveway aisle, contingent upon the notes being revised per discussion tonight and to work with staff to verify all prior conditions have been met. S. Duncanson seconded and all in favor.

34 Hammond Road LLC/JP Pest Services – Hammond Rd – Map 43, Lot 70: Public Hearing for a major site plan to replace an existing garage and construct a new 2,520SF garage with additional parking and associated site improvements.

No abutters were present.

Chairperson Langdell recognized:

Joseph Pestana, 34 Hammond Road LLC/Beehive Investments, Inc.

Raymond Shea, Sandford Surveying & Engineering, Inc.

J. Langdell read the notice into the record and stated that the application was complete. C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor. C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters into the record.

R. Shea presented plans dated 7/9/14 for a proposed 2,520 SF storage garage with additional parking and site improvements. He gave an overview of the business, J. P. Pest Services and prior development on the property. A lot line adjustment was recently completed and an additional 2.5 acres to the east was purchased. We would like to raze the existing garage, construct a new two-bay garage and create a new parking field for 38 parking spaces parallel to the existing parking area at the southeast corner of the site. We have much more parking than is required but between company vehicles and employees, we sometimes run low on parking for training sessions. We did oversize the detention area to handle future impervious site improvements. There are no specific plans right now, but we tried to anticipate future drainage needs in case there would be a third phase that way we wouldn't have to redesign, reconstruct or disturb the detention area. The landscape plan shows the snow being pushed beyond the spaces around the parking area. If there is a lot of snow, we may use up a few of the extra spaces, but we will still have 50% more than the required number of spaces. We are amenable to installing a barrier, per the Conservation Commission's request, to keep any snow away from the detention area. There is enough area for the detention basin and we would prefer not to use pervious pavement at this time. We will also change the specs and plans to show wattles per discussion with Fred Elkind and Conservation's request. The

majority of the stonewall which was the former lot line will be staying along with the large oak trees to keep the aesthetics and we will only remove the portions that we need to.

S. Duncanson inquired as to why a 34' high two-bay garage was needed. R. Shea said he will verify the height, but doesn't think it's that high. The garage will be used to store equipment and there will be no maintenance performed there. J. Pestana listed some of the equipment they use; dehumidifiers, air exchangers, tractors and materials that are purchased by the pallet. The clearance inside is approximately sixteen (16') ft, enough to clear two pallets on a pallet rack and will be very similar to the garage that will be taken down.

P. Amato inquired about the architectural. J. Pestana said the intent is to put up a pre-fab Morton Building, with steel construction outside and wood on the inside, similar to Crowe Fence on 101A. P. Amato noted that it is good to see the building moved further back.

J. Langdell referenced the staff memo and noted there would be 80,000 SF of disturbance, but no State or Federal stormwater permitting would be required. J. Levandowski added that the applicant will go through the Milford stormwater process with Fred Elkind. R. Shea said we are working with Mr. Elkind and have three items to address; an addition to the drainage report, the wattles and provide a post construction maintenance schedule. R. Shea gave an explanation of the two types of wattles. J. Levandowski noted that wattles were used during the original construction in 2011 and currently at the Cumberland Farms site.

Chairperson Langdell opened the meeting to the public; there being none, the public portion of the meeting was closed.

J. Langdell reviewed staff comments and recommendations from the staff memo dated 8/19/14.

P. Amato made a motion to approve this application based on staff recommendations, and tonight's discussion. S. Duncanson seconded and all in favor.

San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4; Public Hearing for the design review of a proposed residential subdivision.

Paul Amato recused himself.

Abutters present:

Paul Amato, Spring Creek Sand & Gravel

Jason & Crystal Barbeta, Mile Slip Rd

Denise & Warren Buchanan, Wolfer Rd

Dennis Clemens, Mile Slip Rd

Steven & Shelley Lasalle, Mile Slip Rd

Roy Leal, Wolfer Rd

Monica Leo, Mile Slip Rd

Leo Vallier, Mile Slip Rd

Chairperson Langdell recognized:

Nate Chamberlin, Fieldstone Land Services, PLLC

Chad Branon, Fieldstone Land Services, PLLC

Ken & Sandra Lehtonen, San-Ken Homes, Inc.

Kenny Lehtonen, San-Ken Homes, Inc.

J. Langdell read the notice into the record. J. Levandowski verified that all owners have signed the application and that the application is complete. S. Duncanson made a motion to accept the application. C. Beer seconded and all in favor. C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters into the record.

N. Chamberlin presented plans dated 6/18/14 & 7/28/14. He explained that there are two conventional plans; Plan A, the original submittal from the conceptual discussion showing 54 lots and Plan B, yielding 61 lots, both proving out to a 54 lot open space subdivision. The proposed open space plan doesn't require any waivers or variances. There is approximately ten (10) acres of wetlands and twenty-three (23) acres of steep slopes on the 186.4 acre property. Based on previous Board comments that stand-alone lots are preferred to easements for the open space, we have revised the open space plan accordingly but still have one lot with an open space easement. The seller wanted to retain a thirty (30) plus acre parcel and it is part of the P&S agreement, so lot #26 will have a twenty-five (25) acre open space easement on it and the buildable area will be eleven (11) acres. The remaining open space will all be separate lots. We have rough graded the road to prove it out, but have not gotten into the detailed design yet. Staff supports this design and we will work with the Conservation Commission to address their concerns. We are aware of the comments and studies from the staff memo dated 8/19/14 and they will all be taken care of during the design process. We have met with DPW early on and they're fine with the curb cut locations. They have seen these plans but will reserve comment for the final design.

J. Langdell brought up the formula approach to calculate the density. C. Branon said the regulations state that we have two ways to prove out the density and the applicant chose to do the plan which involved a considerable amount of effort and money. We always check that calculation in house and the mathematical calculation is typically more conservative but this time the density came out roughly the same at 53.7. J. Levandowski stated her calculations came out to 53.5. J. Langdell inquired what mechanism will be used for ownership of the remaining open space areas. N. Chamberlin said it would be dedicated as conservation lots if the Conservation Commission would want to take it over.

S. Duncanson inquired about the size of lot #42 at fifteen (15) acres. N. Chamberlin replied that it was a threshold for different marketing, an estate lot.

S. Robinson inquired if any of the wetlands were on privately owned lots and noted that the Conservation Commission seemed to be concerned with the presence of wetlands on individual lots. N. Chamberlin said that the majority of the wetlands are in the open space areas but there are some fingers on the lots. He referenced the previous conceptual plan that tried to keep all wetlands on the open space, but there was resistance to the narrow strips of open space by the Board. The wetlands are protected by a buffer that you can't go into, but we can certainly take that into consideration of that is what the Board wants. J. Langdell said the only way to avoid individual lots would be to change the configuration of the lots and possibly reduce the number of lots. C. Branon said our next step would be to go before the Conservation Commission to discuss the configuration and come to some balance. The open space configuration can change going forward, but it doesn't mean the overall density of the project has to change. Ultimately the client can make the decision, but because there is no minimum lot size in the regulations and because we can address the open space area in easement form, we could place an easement over the lots and find a happy medium to address everyone's concerns. J. Langdell said it comes back to the desirability of the lots you are left with and that's what we have to keep in mind; again, it's balancing.

C. Beer stated that the open space on this plan is much better defined than the previous conceptual plan and inquired about the terrain for lots 27, 28 and 29. There are oddly shaped lots on the south side of the plan. Would there be a way to change the shape to rectangular lots without losing any lots by possibly adding a road or cul-de-sac? We've had people have to come before the Board for lot line adjustments because of odd shaped lots where they built sheds on their neighbor's property. K. Bauer disagreed and said she didn't see the potential problems with the shape of these lots because of their size. N. Chamberlin said we could possibly take a look at that, in final design. The open space requirement that states if a lot abuts the perimeter, they have to have 200ft of frontage; that's what's driving this configuration.

Chairperson Langdell opened the meeting to the public.

Audrey Fraizer, Conservation Commission Chair stated that the commission didn't see the conceptual plan shown to the Planning Board so she didn't have any comments on that, but what we always endeavor to do is to have trail connections. Tucker Brook isn't far from the end of Boynton Hill Rd and we would like to try to get a dry area to make a trail connection for a short walk over to Boulder Dr to get to Tucker Brook. This property also abuts two parcels of conservation land and the headwaters to Great Brook which is a huge aquifer, so there is

concern with the amount of blasting for proposed roads and house lots. Were the mentioned wetland crossings for forestry or were they formal crossings? N. Chamberlin said they were existing culverts.

D. Clemens expressed concern with traffic adding fifty-four (54) more houses up there. I've been on Mile Slip Rd for twenty-three (23) years and it has expanded quite a bit from the original eight (8) houses. The road has been paved, but it was never changed. There is an S-turn just below where Wolfer Rd comes in, that is much more drastic than what you see on the map and there is a blind corner at the intersection of Mile Slip Rd with Mason Rd. Will there be studies on traffic flow and road improvements to Mile Slip when you add this kind of traffic? There are also future plans about connecting from Badger Hill and concerns with one-way roads, but I don't think Mile Slip Rd was ever designed to handle this kind of traffic. Will there be a study done for the aquifer prior to this going forward so we know the water isn't affected? J. Langdell stated that there are a number of water and drainage plans to be done for this project and CEI, Inc. will be coming in to evaluate the runoff issues, so there will be a number of things happening.

S. Lasalle said thanks to all the original residents of Mile Slip Rd for putting up with us coming in fourteen years ago. She then noted that the traffic issues came up six or seven years ago with a proposed 98 house subdivision and said she's surprised that there hasn't been a fatality at the entrance to Mile Slip Rd because of that corner. Also, the S-curves are a good point to bring up and thank you Paul for taking all those trees down; now you can actually see the headlights of cars coming and going there. To smooth out those curves would make a huge difference but also change the landscape. We never heard if any of those issues would be addressed. J. Langdell added that plan did not go forward.

J. Barbetta added that there is a big hill where cars and trucks do 40-45 mph on a 25mph road, so there may be a lot more accidents than you think. Also, water table levels are a concern with adding fifty-four (54) more houses and fifty-four more wells. What does that mean for everybody else who lives already here?

J. Langdell inquired if the review by CEI would include the water table impact. J. Levandowski answered that they do review all our regulations and we can ask them to expand their review to include some state regulations. J. Langdell stated that we should be clear about what they will be evaluating, as there are concerns from residents as well as the Conservation Commission.

M. Leo said she's lived on Mile Slip for a little over a year and the increase in traffic concerns her. I have two children and I don't let them ride their bikes on Mile Slip because there is a lot of excess speeding, when the speed limit is 25 MPH. She presented pictures of tire and skid marks at the intersection of Mile Slip and Mason Roads and also coming down the first half mile of Mile Slip. In addition, she brought in a bag of trash from cleaning up yesterday along that same stretch of road. I also use water conservation measures at home, so I also have concerns about the water table. J. Langdell suggested Ms. Leo forward those pictures to staff who will in turn forward to the Board. Also, there is a second entrance to this development from Boynton Hill Rd.

P. Amato said this development will give some of Mile Slip Rd another way out from a dead-end road, which is a good thing. If it helps to improve the intersection of Mile Slip and Mason Rd, that's also a good thing. There used to be a yield sign because there were so few houses out there. The S curve is a horrible corner, and yes it is easier to see with the trees gone, but while it would be good to straighten it out, it currently serves as a speed bump. You can only go around that curve so fast, so if we fix that, the traffic will go faster. The proposed access onto Mile Slip Rd, currently Mr. Ball's driveway, should be looked at carefully as it is pretty steep and cars will have to stop to turn left to get out. Also, I'd like to see a plan that delineates the wetlands because it's hard to see the lots that the density calculation is based on in order to say those are useable lots. Fifty-four (54) lots for this size parcel is appropriate; I'm just not sure whether this layout is the best way to do it. The other good news is that this is not ninety-eight (98) lots.

L. Vallier said some of the culverts on Mile Slip Rd, prior to the S-curves, have started leaning in and have become flattened out from big trucks going up and down the road. The Mile Slip/Mason Rd intersection is very dangerous and you almost have to stop out onto the road to see oncoming cars. Also, maybe guard rails could be put in along those S-curves because I've seen several cars go off the road and hit trees. It's not safe for people who walk their dogs.

W. Buchanan said this property was logged two or three years ago and this past summer it took almost to the beginning of July for my front yard to dry up; it was a sponge. All the water came right down onto my property which is at the bottom of this mountain. If they cut more trees, I'll get flooded out.

J. Langdell noted that water impact, water runoff, and traffic are all concerns that have to be considered. She then closed the public portion of the meeting.

N. Chamberlin stated that we are amenable to providing some trail connectivity through the proposed subdivision and into the open space. There were a lot of valid concerns raised tonight and we will certainly work to address all those concerns as we proceed to final design. It will be up to the traffic engineer to determine how many cars will be using each of the two access points. No off-site improvements were anticipated when we met with DPW, but that could change with the traffic study. Stormwater will be addressed with the final design and this project will fall under the state AoT permit, which requires no increase in runoff for the 2, 10 and 50 year storms, so stormwater will be mitigated.

There was consensus from the Board that this application proceed as an open space subdivision.

S. Robinson expressed concerns about traffic and noted that the sight lines are very important. She just wanted to make sure that the effects of the density are discussed at some point.

J. Langdell said that staff has reviewed this plan and the applicant has proved that they can get fifty-four (54) lots on there. She also agrees that we need to see all the wetlands, but that can be a design issue as opposed to a number issue. There are also a number of details that will have to be worked out.

C. Beer made a motion to grant approval for a determination of fifty-four (54) lots. S. Duncanson seconded and all in favor.

N. Chamberlin said we will meet with the Conservation Commission, highlight the wetlands, and provide trail connectivity to show the Board. J. Levandowski suggested the applicant also start the process with the ZBA for any wetlands crossings. J. Langdell reiterated the importance of getting the Conservation Commission involved in this process early on as this is a prime area. The Board will also want to take a site walk at some point in time. C. Branon said he thought the design review was strictly for the density, but we will get with the Conservation Commission and it makes sense to continue the design review to the next meeting and allow us to work out the details and layout of the open space and the lot geometry. Also, he'd like to request that CEI, Inc does a review of the aquifer in their determination. J. Levandowski noted that we will send the final plans out to CEI, Inc for review and will clarify the scope of their review.

C. Beer made a motion to table the application to the 9/16/14 meeting. S. Robinson seconded and all in favor.

Chairperson Langdell called for a five minute recess.

OLD BUSINESS:

Badger Hill Properties LLC – Timber Ridge Dr – Map 50, Lots 26-124, 26-126, 26-128, 26-129, 26-131, 26-133, 26-160, 26-162, 26-164, 26-166, 26-167, 26-168, 26-169, 26-171, 26-173, 26-175, 26-177, 26-179, 26-180, 26-181, 26-182, and 26-183; Map 51, Lots 26-47, 26-123, 26-125, 26-126, 26-127, 26-152, 26-170, 26-172, 26-174, 26-176, 26-178, and 26-184; Map 55, Lots 26-130, 26-132, 26-134 thru 26-151, 26-153 thru 26-159, 26-161, 26-163 and 26-165.

Public Hearing for phase VI of Badger Hill for multiple lot line adjustments involving sixty (60) residential lots and three (3) open space lots; and to approve Phase VI-A for six (6) buildable lots in the Residence R District.

Paul Amato recused himself.

Abutters present:

Paul Amato, Spring Creek Sand and Gravel

Chairperson Langdell recognized:

Jon Lariviere, Badger Hill Properties, LLC

Scott Frankiewicz, Brown Engineering & Surveying, LLC

Subdivision:

S. Frankiewicz presented plans dated 8/19/14 that showed an overall view of the entire subdivision with the open space connections, not based on the tax maps, and said a site walk was held on 8/2/14. We did receive a review for the AoT permit and we have six comments that have to be addressed and subdivision approval is pending. The former easement for the trail connection to Brookline has been changed to provide a separate twenty (20) ft wide connection. There have been no changes to the roadways. Lot #79 will remain a non-buildable lot and as such we've added an additional lot in the upper left side of the horseshoe as part of Phase 6, keeping the total number of lots at 180 for the subdivision. J. Levandowski said staff counted total lots this afternoon and also noted that the 2007 plans with the offshoots were also approved for 180 lots. J. Lariviere brought up the fact that other developers built the road first and then came back for the lot line adjustments; with this plan we will construct to current road specifications at an additional cost of several hundreds of thousands of dollars. We are not complaining, but wanted the Board to be aware that we will be building a substantially better roadway than what I feel we are entitled to build as had been happening in the prior phases of the approved subdivision. J. Langdell noted that traditionally, roads are built to current standards.

Chairperson Langdell opened the meeting to the public for discussion pertaining to the proposed lot line adjustments.

P. Amato brought up correspondence from Bill Parker dated 8/6/14 pertaining to the overhead utility lines and said it was interesting and somewhat puzzling how the decisions were made and he was not sure that grandfathered the applicant from not installing underground utilities for this section of the subdivision. We approved the plan with underground utilities and now we know how it got changed, but the people who made those changes did not have the authority to do so at that time. The change just happened without coming to the Planning Board, so why are we stuck with that change now, on all plans moving forward? J. Langdell said the lack of substantiating documentation related to the decision is quite peculiar, but why has this not been brought up with the other phases of lot line adjustments. P. Amato said it was brought up but we were told we couldn't do anything about it and no one really asked how it happened until now and now that we see how it happened, it is appalling. Those decisions were not based on a safety standpoint or a planning standpoint. The utilities should have all been underground as you still have one way in and out. Every road in this subdivision is a dead-end road and it doesn't make sense to not do it here when we make a five lot subdivision on Melendy Rd install underground utilities. We've been told since 2000 that it has been decided and we can't change things. Well, the applicant can change things to suit them, but we're not allowed to do so because it's been grandfathered. This is a great subdivision and I'm not opposed to it, but all the power should have been underground and shame on the Board for not asking. J. Langdell said that although many nice neighborhood pockets have come out of this subdivision, it has been an extremely difficult development for a variety of reasons across the board and mistakes have been made.

J. Lariviere said it has been our intention to construct the road to today's standards, but didn't feel he has any obligation to. We could have renewed the former AoT permit and put the road in at previous standards, per the approved plans. We have also brought the water system up to current standards, after the fact, so we have been working at improving things, at unanticipated additional expense. Yes, there is one way in and one way out of the subdivision, but not for this section. In any instance for this section, there are two ways out, upon completion. I am not prepared to go underground for this section of the plan in addition to the other major items which I have agreed to. It is also incorrect to say that I as a developer can come in and make all kinds of changes to a plan when the Board can't. I am not making changes to this plan; I am making lot line adjustments and am agreeing to significant costs to improve a mile of roadway. If the rest of the development was underground, I would want to do that, but underground here will not create additional value and you still have to come through the rest of the neighborhood with above ground utilities. It is inappropriate to ask for this change, at this late stage in the development.

Chairperson Langdell closed the public portion of the meeting.

J. Langdell said she agreed with Mr. Amato and was also appalled at the content of the memo and how this apparently came about. This is a prime example of something that should have come back to the Planning Board; it is not a field decision, period. That said, I am respectful of safety, but I am having a difficult time with asking the developer to underground at this point.

S. Robinson asked if there was future development potential beyond this subdivision. J. Lariviere said lot #79, if used for future development comes into an area with existing overhead utilities and the two new locations would have two choices along that horseshoe to exit out so we're not creating any new instance although that situation may already exist in Badger Hill.

C. Beer agreed that asking the developer to go underground is unnecessary and out of scope, at this point.

Dead-end road length waiver request:

S. Frankiewicz said the existing 250ft road does not have a turnaround, so a temporary turnaround will provide benefit. This waiver will also allow for a reasonable phasing of the roadway with an expected multi-year build out and will push out the maintenance costs for the Town on the future town road. We are requesting 1,250 ft instead of the 1,000 ft is because of the safety concern by the DPW Director. This will bring the turnaround to a flatter and safer area at the crest of the hill.

C. Beer made a motion to grant the waiver request from Development Regulations Section 7.02 *Roadway Standards Charts* to allow a 1,250 linear ft temporary dead-end road length. S. Duncanson seconded and all in favor.

S. Frankiewicz explained the AoT requests in detail and as well as the replies:

1. We will submit a copy of the overall designed plan.
2. Will address the Fish & Game concerns and fix the culvert appropriately.
3. We will add a small treatment swale or filter swale at the discharge of that catch basin.
4. The existing detention pond was not originally designed for treatment or cleaning the water so it will be revised to specifications that meet today's standards. It will be a permanent pool of water.
5. See #4.
6. We will add the drip edges to the houses to take the rain water from the roof into the ground immediately, which will help us with our peak rate of runoff.

Chairperson Langdell reviewed the interdepartmental comments and recommendations from the staff memo dated 8/19/14. She stated that any motions would be conditional upon working with the Environmental Coordinator to resolve any outstanding issues, obtaining the AoT and Stormwater Management permits, obtaining approval from Pennichuck Water, and obtaining State Subdivision approval. She also thanked the applicant for creating the dedicated land area that connected to the trails in Brookline; that was very important to some of the residents.

J. Lariviere noted that all the work has been completed for the water system but he hasn't gotten any permits from Pennichuck Water yet. Pennichuck has operation approval from the State and we will provide a letter to staff.

J. Levandowski added that the word *Chairman* be corrected in the signature block on both plans and she will work with the applicant to correct the "Non-buildable Open Space" wording on the plans. Since the Board has granted the waiver request, a note stating the motion and the date be added to the plan.

C. Beer made a motion to conditionally approve the application, based on the staff recommendations and items discussed tonight. K. Bauer seconded and all in favor. A lengthy discussion on the wording of the notice, plan and staff memos ensued. J. Lariviere clarified that their intention was that Phase 6A was for the roadway and temporary turnaround that provided access to the eight (8) lots and Phase 6 was for the entirety of Timber Ridge Dr and 60 lot line adjustments. There are two applications and we wanted to create Phase 6 and Phase 6A, which has been amended from the original six (6) lots, as a sub-phase from what was originally all of Phase 6.

P. Amato stated that the Board hasn't even talked about any additional phasing and the application's wording is confusing. The history of this project involves past developers with plans to finish it, but didn't and subsequent owners didn't have privy to all those past conversations. Mr. Lariviere has done an excellent job of trying to pick up the pieces of a cluster development and turn it into an open space development, but we need to be clear. J. Lariviere confirmed that if they want to create another sub-phase with any length road, say 6B then they would be changing the plan and would have to come back to the Board. If we're not altering the plan, then we wouldn't need to come back. The application says "and", and it is for both Phase 6 and Phase 6A.

C. Beer made a motion to rescind the previous motion. S. Duncanson seconded and all in favor. S. Duncanson made a motion to grant approval for the sixty (60) lot line adjustments for phase 6 of the overall development with all staff recommendations and items discussed tonight and to add that further sub-phasing of Phase 6 or anything less than the completion of the Timber Ridge Dr loop would need to come back before the Board. C. Beer seconded and all in favor.

OTHER BUSINESS:

J. Levandowski brought up the Pumpkin Festival on 10/10/14-10/12/14 and the Souhegan Valley Business Expo on 10/18/14. It would be good visibility for the public to see what the Board is currently working on as well as opportunity to promote the new Connectivity Plan, the Distinguished Site Plan Award, and any proposed zoning changes, should the Board want to host and booths at either event. After a brief discussion there was consensus of the Board to not have a booth at the Pumpkin Festival as there may not be the depth or enough critical pieces to promote this year. P. Amato and S. Robinson volunteered to help staff the Expo booth. J. Langdell suggested that possibly the Conservation Commission could include the Connectivity Plan at their booth. J. Levandowski offered to contact Conservation tomorrow.

The meeting was adjourned at 9:40.

MINUTES OF THE AUG 19, 2014 PLANNING BOARD PUBLIC HEARING APPROVED SEPT 16, 2014